IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12740 of 2004

Between:

Pandula Kumaraswamy S/o Anjil Venkateswararao, Panchayat Secretary,

Nimmalagudem, Kowali, Dendulur(M),West Godavari District

..... PETITIONER

AND

The Sub Divisional Magistrate, Jangareddigudem Division, Jangareddigudem,

West Godavari District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the in action of the respondent in not registering, nor giving hearing and decision on the bail petition filed on behalf of the petitioner on 1/06/2004 in Cr.No.65/2003 of Buttayagudem Police Station on the file of the respondent is illegal, irregular and violative of the provisions of Code of Criminal Procedure and Criminal Rules of Practice and offends Art. 14 and 21 of the constitution of India and consequently direct the respondent to decide the said bail petition.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent : GP FOR LAW & LEGISLATIVE AFFAIRS

The Court at the stage of admission made the following order :

Heard the learned Counsel for the petitioner and the learned Government Pleader for Home appearing for the respondent.

The petitioner states that he was arrested by the Sub-Inspector of Police, Buttayagudem police station in connection with Cr.No.65 of 2003 and was produced before the Sub-Divisional Magistrate, Jangareddygudem on 31-05-2004. Thereafter, the petitioner was remanded to judicial custody and confined to Central Prison,

Rajahmundry since 31-05-2004. As can be seen from the Remand Report, the said crime was registered against the petitioner under Sections 465, 468 and 471 of the Indian Penal Code, on a complaint that he forged the signatures of the complainant for the purpose of taking delivery of rice allotted under food for work programme at Buttayagudem which is an agency area. On 01-06-2004 a petition was filed before the Sub-Divisional Magistrate, Jangareddygudem to enlarge the petitioner on bail in Crime No.65 of 2003. The petitioner also states that two different crimes namely Crime Nos.66 and 68 of 2003 on the file of the same police station are also pending against him, in which two separate bail petitions were moved and the same were considered and disposed of by the Sub-Divisional Magistrate, Jangareddygudem. However, the bail petition moved in Crime No.65 of 2003 has not been disposed of so far. The only grievance of the petitioner is that there is no justifiable reason for keeping the said application pending and that the inaction on the part of the respondent is resulting in infringement of the fundamental rights of the petitioner guaranteed under Article 21 of the Constitution of India.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondent to consider the petition moved by the petitioner to enlarge him on bail in accordance with law and to dispose of the same as expeditiously as possible preferably within one week from the date of receipt of this order.

Accordingly, the Writ Petition is disposed of. No costs.

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26th July, 2004.

Note:- CC by 27-07-2004.

(B/o)

Sj/ars

To:

1. The Sub-Divisional Magistrate, Jangareddygudem Division, Jangareddygudem, West Godavari District.
2. Two CCs to the Government Pleader for Law and Legislative Affairs, High Court Buildings, Hyderabad. (OUT)

3. Two CD copies.